IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 9590 of 2005

Between:

1. Bharat Sanchar Nigam Ltd. Rep by its Chief General Manager, Telecom, A.P.Circle, Hyderabad.
2. The Executive Engineer (E) M/s.Bharat Sanchar Nigam Ltd, Electrical Division (E), 19-6-18, D. R.Mahal Road, Tirupathi Chittoor district.

..... PETITIONERS

AND

1 The Asst.Provident Fund Commissioner / Officer- in- Charge Employees Provident Fund Organization Sub- Regional Office , 1/30, R.S.Road, Cuddapah.
2 The Regional Provident Fund Commissioner, Barkathpura, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order , direction or writ particularly one in the nature of writ of Mandamus, declaring the order No.AP/43224/ENF/CTR/SRO/CDP/2004-05/212, dt.20-01-2005 issued by the 1st Respondent herein directing the 2nd petitioner to remit the amount of Rs.1,54,626/- to the respective Employees Provident Fund Accounts maintained at the State Bank of India within (3) days of receipt of the proceedings and penal damages/penal interest @ 12% P.A on the amount from the due date till the date of remittances, as illegal and also set aside the appointment of Recovery officer consequently direct the 1st respondent herein not to collect any amount under the Employees Provident Funds and Miscellaneous Provisions Act.1952 and pass such other order or orders.

Counsel for the Petitioners: MR.RAVINDRA YANAMANDRA

Counsel for the Respondents: MR.R.N.REDDY S.C. FOR PROVIDENT FUND ORGANISATION.

The Court, at the stage of admission, made the following :

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ORAL ORDER

The order impugned is of the 1st respondent exercising power under Section 7(A) of the Employees Provident Fund and Miscellaneous Provisions Act,1952 determining the provident fund contribution and other specified liabilities of the 2nd petitioner at Rs.1,54,626/-. As against such determination the petitioners if aggrieved has an appellate remedy under Section 7(I) of the Employees Provident Fund and Miscellaneous Provisions Act,1952.

In the circumstances this Court does not consider it appropriate to entertain this writ petition. Accordingly, the writ petition is dismissed. However, the 2nd petitioner is at liberty to pursue the appellate remedy within six (6) weeks from today.

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GODA RAGHURAM,J

10TH JUNE 2005

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To

1 The Asst.Provident Fund Commissioner / Officer- in- Charge
Employees Provident Fund Organization Sub- Regional Office , 1/30, R.S.Road, Cuddapah.
2 The Regional Provident Fund Commissioner,

Barkathpura, Hyderabad.

3 Two C.D.Copies.